REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on 11/10/2009. Claims 26-30 are allowed. Claim 38 is objected to. Claims 1-14, 16, and 36-37 are rejected. In this Amendment, claims 1, 13, and 38 have been amended. No new matter has been added. Claim 37 has been canceled. Therefore, claims 1-14, 16, 26-30, 36, and 38 are presented for examination.

Rejections Under 35 U.S.C. §103

Claims 1-14, 16, and 36-37

The Office Action has rejected claims 1-14, 16, and 36-37 under 35 U.S.C § 103(a) as being allegedly rendered obvious by Bindra, "Programmable SOC Delivers a New Level of System Flexibility", 2000, in view of Hamblen, "Rapid Prototyping Using Field Programmable Logic Devices, 6-2000."

Claim 1, as amended, recites:

1. A method for configuring a microcontroller, comprising:
   displaying a first graphical user interface on a display device of a computer system, said first graphical user interface comprising a collection of virtual blocks in a design system;
   receiving at said computer system a selection of a user module, wherein said user module comprises information for implementing a function using a programmable physical block, and wherein said user module is represented by first markup language data that includes information defining how configuration registers for said microcontroller are to be programmed in order to implement said function, and wherein said programmable physical block is represented by second markup language data that includes information defining physical addresses of said configuration registers;

displaying on said display device a second graphical user interface operable for receiving user-specifiable information about said user module;

assigning a virtual block taken from said collection to said user module, wherein said virtual block corresponds to said programmable physical block; and

constructing computer-generated source code, wherein constructing the computer-generated source code comprises:

linking said first markup language data and said second markup language data;

substituting said user-specifiable comprising information specific to said user module, information specific to said function and information specific to a control parameter of said function for generic information in said template files to produce assembly, include and header files. (Emphasis added.)

The Office Action states that claim 38 includes allowable subject matter. Claim 1 has been amended to include features from claim 38. With respect to claim 1, as amended, the Office Action does not rely on either Bindra or Hamblen as teaching or suggesting markup language data. Instead, the Office Action relies solely on Official Notice as teaching that markup language such as SGML or XML may be used for computer rendering, and further considers such markup language as allegedly reading on the "markup language" of claim 1.

Since there is no teaching in the references as to how a user module or a programmable physical block may be represented by markup language data, as recited in claim 1, it is respectfully submitted that the Office Action is taking Official Notice of this feature rather than providing any objective evidence of record as manifested by the cited art of record. Accordingly, Applicant respectfully traverses this official notice and requests the Examiner to provide a reference that describes such a feature. Absent a reference, it appears that the Examiner is using personal knowledge, thus it is respectfully requested the

Examiner submit an affidavit that sets forth support for the alleged facts within the personal knowledge of the Examiner as required by 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03.

Furthermore, even if such Official Notice is proper, such Official Notice does not extend to "linking said first markup language data and said second markup language data", as recited in amended claim 1. Official Notice therefore does not cure the deficiencies of Bindra and Hamblen.

Because none of Bindra, Hamblen, and Official Notice teaches or suggests this feature of claim 1, as amended, the combination of Bindra, Hamblen, and Official Notice cannot be properly interpreted as disclosing the claimed feature. Claim 1 is therefore not rendered obvious by the combination. Claim 13 includes similar features as amended claim 1 and is also not rendered obvious by the combination. Claims 2-12, 14, 16, and 36-37 depend from one of amended claims 1 and 13 and are also not rendered obvious by the combination. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-14, 16, and 36-37 under 35 U.S.C. § 103(a) as being allegedly rendered obvious by the combination of Bindra, Hamblen, and Official Notice.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 26-27 are allowable and that claim 38 contains allowable subject matter if rewritten to include all the elements of the claims from which it originally depends. In view of the above amendments and remarks, Applicant respectfully submits that claim 38 now depends from an allowable base claim. Applicant further submits that the claims are now in condition for allowance, and requests allowance of said claims.

Reservation of Rights

Applicants believe every assertion by the Office Action has been addressed, however in the interest of clarity and brevity, Applicants may not have asserted every available argument for each assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Conclusion

Claims 1-14, 16, 26-30, 36, and 38 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the

pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Should the Examiner have any questions regarding this response or the application in general, the Examiner is urged to contact the Applicant's attorney, Kerry Liang, by telephone at (650) 468-1401. All correspondence should continue to be directed to the address given below.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, and to credit any overpayments, to Deposit Account No. 50-3781.

Respectfully Submitted,

Date: 9/21/2010

/Kerry Liang/
Kerry Liang
Attorney for Applicant
Registration No. 60,519

Cypress Semiconductor Corporation
198 Champion Court
San Jose, CA 95134
Facsimile: (408) 545-6911
Customer No.: 60909